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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,107	10/30/2006	Satoshi Hashimoto	P30026	2090

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EXAMINER
DANG, HUNG Q

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
03/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary	Application No.	Applicant(s)	
	10/596,107	HASHIMOTO ET AL.	
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/02/2009 have been fully considered but they are not persuasive.

On page 6, Applicant argues that, "none of Jung and Kikuchi discloses or renders obvious a program executer operable to interpret and execute the predetermined codes for storing the designated plurality of images." In response, the Examiner respectfully disagrees. At least at column 4, lines 46-49, Jung discloses a synchronized element reproducing engine, which interprets and executes the codes for reading the image files in the forms of shockwave-flash (see Figs. 3-4) or wmv video files (see Fig. 6) and storing these image data in the contents buffer for playing back synchronously with the AV contents (see column 3, line 42 – column 4, line 15).

Besides, Jung also discloses such image data can also be still image (see column 4, lines 49-50 or animation moving picture (see column 5, lines 45-50). These are disclosed as "multimedia elements", which can have time table information in the form of VOBU (see column 6, lines 56-60). It is noted that the images in the multimedia elements that are supposed to be played back in synchronization with the AV contents are well specified in the programs shown in Fig. 3, Fig. 4, and Fig. 6. Therefore, the process of playing back these images must involve a selecting step performed by a selector so that the images can be played back in such a sequence that renders synchronization with the AV contents. In other words, the images cannot be played back

in a random manner, but instead in a well defined sequence that inherently requires obtaining the images and presenting the images at a right time on the time axis.

Further, when the AV contents and the images in the multimedia elements are played back synchronously, it is naturally inherent that at least one image of the images in the multimedia elements is selected to be rendered together with a corresponding time location of the AV contents. This requires "rendition time" of both streams being known. And Jung clearly suggests that both of these streams have time table information in the form of VOBU at column 6, lines 56-60. Applicant states that neither Jung nor Kikuchi disclose “how DVD content is synchronized with the multimedia element.” The Examiner respectfully submits that, regardless of how detailed Jung discloses this feature, synchronization in this context, by itself, requires “selecting at least one image of the plurality of images to be rendered based on a specified location on a time axis relating to the playback timing of the video included in the control information and the rendition time corresponding to each image.” The Examiner relied on Kikuchi for disclosing “rendition time” as defined in the VOBU simply as an evidence that VOBUs of conventional video streams do have playback time information to indicate when to play back an image in the VOBU, which is obviously the claimed "rendition time".

As such, Jung and Kikuchi clearly disclose the feature of “an image selector that selects at least one image of the plurality of images to be rendered based on a specified location on a time axis relating to the playback timing of the video included in the control

information and the rendition time corresponding to each image stored in the storage unit", contrary to Applicant's arguments stated on page 6.

For the reasons described above, the rejections stand as presented in details below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Patent 7,401,100) and Kikuchi et al. (US Patent 5,870,523).

Regarding claim 1, Jung et al. disclose a playback apparatus for playing a video stream recorded on a recording medium (column 3, lines 32-35), the recording medium including a computer program that is to be executed during playback of the video stream (column 3, lines 32-35; column 4, lines 62—column 5, line 6; column 7, lines 34-44), the video stream including control information in form of VOBU time tables (column 6, lines 56-63), and the computer program including predetermined codes for designating a plurality of images and time information in form of VOBU corresponding to each image (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-63), the playback apparatus comprising: a storage unit ("Content Buffer 12" in Fig. 1); a player successively plays the video according to the control information (column 6, lines 56-63); a program executer that interprets and executes the

predetermined codes for storing the designated plurality of images and the time table in form of VOBU corresponding to each image in the storage unit (column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-38; "Content Buffer 12" in Fig. 1); an image selector that selects at least one image of the plurality of images to be rendered based on the VOBU time table of the video included in the control information, and time information in form of VOBU corresponding to each image stored in the storage memory (column 4, lines 49-51; column 6, lines 56-67); and a renderer that renders the selected at least one image during playback of the video (column 4, lines 51-55).

However, Jung et al. do not explicitly disclose the time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream, and the time table in form of VOBU comprises rendition time corresponding to each image.

Kikuchi et al. disclose the video stream including control information as time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream (column 18, line 44 – column 9, line 4), and the time table in form of VOBU comprises rendition time corresponding to each VOBU (column 18, line 44 – column 9, line 4).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream and comprising rendition time disclosed by Kikuchi et al. in order to make the playback apparatus

capable of playing back video streams and images in accordance with MPEG existing standards.

Claim 8 is rejected for the same reason as discussed in claim 1 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621